

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CR-51
)	(VARLAN/SHIRLEY)
JOHNNIE MARTIN,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the Court on Defendant Martin's Motion for Permission to File This Late Filed Motion and Motion to Compel the Government to Provide Additional Discovery [Doc. 389], filed on October 1, 2008. All pretrial motions relating to the remaining counts against Johnnie Martin have been referred [Doc. 390] to the undersigned. See 28 U.S.C. § 636(b). In the motion, defense counsel asks to file his discovery motion two days beyond the September 29, 2008 motion-filing deadline, citing unanticipated reasons beyond his control for the failure to file the motion on time. The Court has reviewed the reasons listed in counsel's affidavit and find that they constitute good cause for the requested late-filing. Accordingly, the Defendant's Motion for Permission to File This Late Filed Motion and Motion to Compel the Government to Provide Additional Discovery [Doc. 389] is **GRANTED in part** in that the Defendant is permitted to file the included discovery motion late. The government shall have until October 16, 2008, to file its response. The Court will hold a hearing on the merits of the discovery motion [Doc. 389] as scheduled on **October 29, 2008, at 2:00 p.m.** Also at that hearing, the Court will receive production

of records pursuant to defense subpoenas and will determine whether the parties can be ready to proceed on the January 12, 2009, trial date or if the March 3, 2009 trial date will be necessary.¹

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹The Court notes that the trial of the severed Defendants Aaron Brooks and LaShonda Hall remains set for November 17, 2008.